

CIVIL NO. 1:07CV400

Defendants.

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ORDER OF DISMISSAL

THIS MATTER is before the Court for dismissal due to the Plaintiff's failure to respond to the Order filed April 23, 2008, directing her to show cause why this action should not be dismissed for failure to serve Defendants within the 120-day time period set forth in the Federal Rules of Civil Procedure. **See Fed. R. Civ. P. 4(m)** ("If a defendant is not served within 120 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time.").

In this situation, Rule 4(m) directs the Court to dismiss the action without prejudice. ***See Jackson v. Warden, FCC Coleman-USP*, 259 F. App'x 181, 182-83 (11th Cir. 2007) (holding that plaintiff's failure to serve defendant under Rule 4(m) renders the district court unable to adjudicate the merits of the case).**

IT IS, THEREFORE, ORDERED that this action is hereby
DISMISSED.

Signed: May 15, 2008

A handwritten signature in dark ink, appearing to read "L. H. Thornburg", is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

